

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

NUVASIVE, INC.,

Plaintiff,

v.

Case No: 2:19-cv-698-SPC-NPM

CHRISTOPHER LEDUFF,
GREGORY SOUFLERIS and
ABSOLUTE MEDICAL
SYSTEMS, LLC,

Defendants.

_____ /

AGREED INJUNCTION¹

Before the Court is the parties' Joint Motion for Entry of Agreed Order of Dismissal and Permanent Injunction ([Doc. 90](#)). The parties settled this case. As part of their settlement, they now ask the Court to enter a stipulated injunction and dismiss the case. The filing is signed by both sides. *See* [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(ii\)](#). Given the agreement, the Court grants the Motion.

Accordingly, it is now

ORDERED:

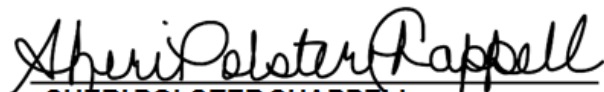
¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

1. The parties Joint Motion for Entry of Agreed Order of Dismissal and Permanent Injunction ([Doc. 90](#)) is **GRANTED**.
2. Defendant Christopher LeDuff and/or anyone under his supervision, direction, and/or control shall not, **until February 1, 2022**, directly or indirectly, solicit, support, do business or attempt to do business with the following spine surgeons: Dr. Paul Richard, Dr. Mark Gerber, Dr. Michael Lusk, Dr. Benjamin Ditty, Dr. Edison Valle-Giller, Dr. Gary Colon, Dr. Dean Lin, Dr. Constantine Plakas, Dr. Michael Fromke, Dr. Jeffrey Henn, Dr. Paul Fuchs, Dr. Douglas Savage, Dr. Jamie Alvarez, and Dr. Gary Correnti, as well as any of the administrators, executives, and/or employees responsible for pricing and/or the approval of products at Physicians Regional Hospital, Naples Community Hospital, Gulf Coast Medical Center, Lee Memorial Health, Surgery Center of Naples, and Health Park Medical Center. This Agreement specifically allows LeDuff to work with Dr. Kristin Cola, Dr. Mark Frenkel, and any spine surgeon not set forth in this Paragraph as well as any hospital administrators or employees who are necessary to ensure patient safety and health care compliance during a surgery (*e.g.*, operating room personnel) so long as LeDuff has no direct or indirect communications or contact (beyond exchanging pleasantries in passing) with the above-referenced spine

surgeons and/or the administrators, executives, and/or employees responsible for pricing and/or the approval of products while at the restricted facilities.

3. This is a final Order. Absent a violation of this Order, there will be no further relief granted in this matter and any such request for such relief are dismissed with prejudice. In the event of a violation, in addition to any other remedy granted by the Court, the prevailing Party in any motion to hold one or more Parties in contempt of this Order shall be entitled to recover the reasonable attorneys' fees and costs it or he incurred in prosecuting or defending the motion for contempt from the non-prevailing Party and/or Parties.
4. This action is **DISMISSED with prejudice**.
5. The Clerk is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the case.

DONE and **ORDERED** in Fort Myers, Florida on July 8, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record